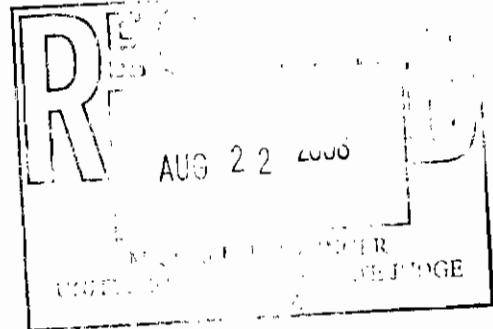


8/26/08



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August 22, 2008

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BY FAX: (212) 805-7928

Honorable Michael H. Dolinger
United States Magistrate Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Eric J. Lesane v. Department of Correction, et al.
08-CV-4830 (PAC)(MHD)

Your Honor:

I am an attorney in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to the defense of the above-referenced federal civil rights action. I write to respectfully inform the Court that although the docket sheet reflects that the Department of Correction has been served with a copy of the summons and complaint in this action, this Office will take no further action unless directed to do so by the Court.

As an initial matter, the City of New York is not a named defendant in this action. Rather, plaintiff purportedly names the Department of Correction in the caption of his complaint.¹ It is well-settled in the Southern District that the New York City Department of Correction is not a suable entity. Campbell v. Dep't of Correction, 95 Civ. 3242, 1996 U.S. Dist. LEXIS 2021 at *2 (S.D.N.Y. Feb. 26, 1996) (holding that the New York City Department of Correction is not a suable entity); see, also, Jolly v. N.Y.C. Dep't of Correction, 89 Civ. 4520, 1989 U.S. Dist. LEXIS 14852 at *11 (S.D.N.Y. Dec. 13, 1989) (Department of Correction is not a suable entity).

Additionally, the civil docket sheet reflects that neither of the two individual defendants, purportedly named as "John Doe" and "Jane Doe," have yet been identified or served.

¹ It is respectfully noted for the Court's information that, according to the civil docket sheet, the Department of Correction appears to have been served on August 1, 2008.

8/26/08 M. Hudson

Accordingly, because no suable entity eligible for representation by this Office has yet been served or requested representation, we will take no further action unless instructed otherwise by the Court.

Thank you for your consideration of this matter.

Respectfully submitted,



Maurice L. Hudson
Assistant Corporation Counsel

cc: BY FIRST-CLASS MAIL

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Plaintiff *Pro Se*
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